IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 23716 of 2004

Between:

D.Thyada Raju S/o.Narasimhulu
Shanthi Electronics Opp Govt Hospital, Nandyal, Kurnool Dist.

... PETITIONER

AND

1 The Deputy Superintendent of Police, CBCID, Kurnool
2 Southern Udyans Ltd., Agro Concern H.O.3-2-870/3., 3rd Floor,

V.N.R.Complex, Stn.Road, Kachiguda, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of writ of mandamus, declare the action of the respondent -1 in not completing the investigation in Crime Nos. 32/02,39/02,52/02 and 60 of 2002 under Sec.420 IPC and Sec.5 of the APDFE. Act, 1999 and not repaying the deposited amount to the petitioner as illegal, arbitrary and violative of Art.14 and 21 of the Constitution of India and consequently direct the respondents to complete the investigation and to take steps to repay the deposited amount along with interest @24% PA to the petitioner.

Counsel for the Petitioner: MR.P.MADHUSUDHAN RAO

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent No.2: ---NONE APPEARED---

The Court made the following order:

ORDER:

Grievance of the petitioner is that the first respondent is not completing the investigation in Crime Nos.32 of 2002, 39 of 2002, 52 of 2002 and 60 of 2002 registered under Section 420 IPC and Section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 (for short 'the Act').

It is submitted that the cases were registered in 2002 but the investigation has not yet been completed by the first respondent and, therefore, taking advantage of the long delay in the investigation the second respondent is trying to sell away the property and some other valuable house sites secretly with a view to defraud the depositors.

Having regard to the facts and circumstances of the case, the first respondent is directed to complete the investigation in the above cases and file a final report of the same as expeditiously as possible preferably within a period of six months from the date of receipt of this order in accordance with law.

The writ petition is accordingly disposed of with the above direction. No costs.

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V. ESWARAIAH, J

April 26, 2005

Dsk

To

1 The Deputy Superintendent of Police, CBCID, Kurnool.

2 Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD Copies.